

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

April 10, 2013

California Energy Commission

DOCKETED
08-AFC-8C

TN # 70267

APR. 10 2013

Cara Corsetti
SWCA Environmental Consultants
150 S. Arroyo Parkway, 2nd Floor
Pasadena, CA 91105

RE: **Genesis Solar Project Application for Confidential Designation:
Paleontological Resources
Docket No. 09-AFC-8C**

Dear Ms. Corsetti:

The California Energy Commission is in receipt of an Application for Confidentiality dated March 21, 2013, submitted by SWCA Environmental Consultants (Applicant), seeking confidential designation for the following document related to paleontological resources:

- 1) Summary of paleontological monitoring and mitigation activities at the Genesis Solar Energy Project for February 2013.

The Application states that the report identifies the potential locations and findings of paleontological resources in the project area, and that:

. . . the location and findings need to be kept confidential in order to preserve them.

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological site information and reports. (Gov. Code, sec. 6254.10.) The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code, sec. 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of paleontological resources, such as the information submitted in the above-referenced report, is expressly in the public interest.

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Therefore, the Application for Confidentiality is granted in its entirety. The location and resource site information within the document will be kept confidential for an indefinite period.

Any subsequent submittals related to the location of paleontological resources can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. If you have any questions concerning this matter, please contact Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. P. Oglesby', with a long horizontal line extending to the right.

Robert P. Oglesby
Executive Director

cc: Docket Unit
Eric Veerkamp, Compliance Project Manager